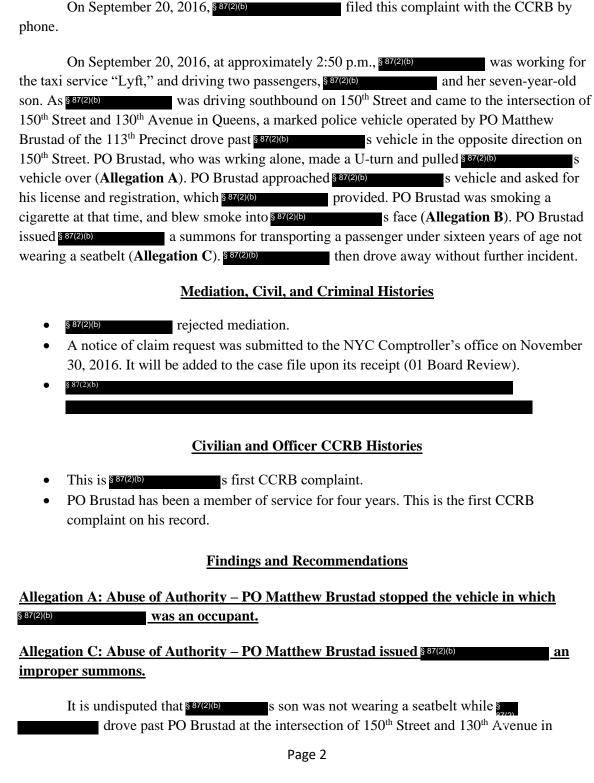
## **CCRB INVESTIGATIVE RECOMMENDATION**

Investigator:		Team:	CCRB Case #:		Force	V	Discourt.	U.S.	
Harry Feigen		Squad #13	201608063	Ø	Abuse		O.L.	☐ Injury	
Incident Date(s)		Location of Incident:		P	Precinct:	18	Mo. SOL	EO SOL	
Tuesday, 09/20/2016 2:53 PM	sday, 09/20/2016 2:53 PM		150th Street and 130th Avenue		113		20/2018	3/20/2018	
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rece	ived at CCI	RB	
Tue, 09/20/2016 3:38 PM	e, 09/20/2016 3:38 PM		Phone Tue,		Tue, 09/20	ue, 09/20/2016 3:38 PM			
Complainant/Victim	Туре	Home Addre	SS						
Witness(es) Home Address									
Subject Officer(s)	Shield	TaxID	Command						
1. POM Matthew Brustad	22510	952505	113 PCT						
Officer(s)	Allegation	on			Inve	stiga	tor Recon	nmendation	
A.POM Matthew Brustad	Abuse: PO Matthew Brustad stopped the vehicle in which was an occupant.								
B.POM Matthew Brustad	Discourtesy: PO Matthew Brustad acted discourteously toward § 87(2)(b)								
C.POM Matthew Brustad	Abuse: PO Matthew Brustad issued an improper summons to \$87(2)(b)								

## **Case Summary**



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Queens. It is also undisputed that there was no other reason that caused PO Brustad to stop some some vehicle other than the officer's observation that \$87(2)(b) so was a taxi
service passenger and was not wearing a seatbelt, for which he issued §87(2)(b) a summons (03 Board Review).
PO Brustad stated he knew street with the NYC Taxi and Livery Commission (TLC) based upon the vehicle's license plate number. PO Brustad made this observation prior to initiating the stop of street was registered with the NYC TLC (05 Board Review). PO Brustad stated that his license plate was registered with the NYC TLC (05 Board Review). PO Brustad stated he issues two to three summonses per week on average for the vehicle traffic law violation he cited for; that the statute applies equally to taxis as to any other vehicle; and that he had reviewed the statute earlier in the day prior to his traffic stop with street.
In order to stop a vehicle, an officer must have probable cause that the vehicle has committed a vehicle traffic law violation, or reasonable suspicion that an occupant of the vehicle has committed or is about to commit a crime. People v. Weishaupt, 118 A.D.3d 1100 (3 <sup>rd</sup> Dept. 2014) (06 Board Review).
Section 1229-c, subsection 1c of the New York State Vehicle and Traffic code states that no person shall operate a motor vehicle with a back seat passenger under the age of sixteen unless said passenger is restrained by an approved safety belt. Subsection 9 of this statute states that the above rule shall not apply to taxis, liveries, and buses other than school buses (07 Board Review).
A stop based upon a police officer's mistake of law may still be justified only if the mistake is objectively reasonable, which may be determined based upon whether the law in question is obscure or unclear in its wording. <u>People v. Heien</u> , 134 S. Ct. 1372 (2014) (08 Board Review).
§ 87(2)(b), § 87(2)(g)
·
§ 87(2)(b), § 87(2)(g)

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§ 87(2)(b), § 87(2)(g)			
			·
Allegation B: I	Discourtesy – PO Matthe	ew Brustad acted discou	rteously toward § 87(2)(b)
stop, and that h	alleged that PC e blew smoke into § 87(2)(6)	_	cigarette during the vehicle occasions (09 Board Review).
§ 87(2)(b) incident, or that	denied that PO Bru t he ever blew smoke at §8		ette at any point during this d Review).
	stad stated he does smoke that he ever blew smoke		at he smoked a cigarette during face.
§ 87(2)(b), § 8	87(2)(g)		
	•		
Squad: 13			
Investigator:			
-	Signature	Print	Date
Squad Leader:	Title/Signature	Print	 Date
Reviewer:			2
KCVICWCI.	Title/Signature	Print	Date

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